THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1374 of 2007

Dated:13.02.2007

Between:

Ameenpur, Beeramguda, Naraguda and Tellapur Villages Plot Purchasers Welfare Association.

…Petitioner

and

The Vice Chairman, HUDA, Begumpet, Hyderabad, and others.

…Respondents

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ORDER:

The petitioner is an Association espousing the cause of 679 purchasers of plots from M/s.Industrial Employees Co-operative House Building Society (hereinafter referred to as 'the vendor Society). The various sales in favour of the members of the petitioner-Association were allegedly in respect of the property in Survey Nos.323 to 340 of Tellapur Village. The legality of the sales including the ground that the land belongs to the Government was subject matter of an enquiry by the House Committee of the Andhra Pradesh Legislative Assembly. In relation to Question No.3011-K given by a Hon'ble Member of the House, namely, Sri B.Venkateswara Rao, the Committee submitted its report on 21.07.1999. Insofar as the lands allegedly claimed by the Government of Andhra Pradesh situated at Tellapur Village are concerned, the House Committee noticed that the layout in favour of the Industrial Employees Co-operative House Building Society Limited, Bandlaguda (the vendor of the members of the petitioner-Association) was approved by the Sarpanch of the Gram Panchayat, and therefore, the House Committee opined that the lands in Survey Nos.323 to 340 may be given to the members of the vendor Society at a nominal market value prevailing at the time of conversion of these lands into non-agricultural lands in 1987. In the meanwhile,

W.P.No.3410 of 2001, filed by the vendor Society assailing the orders of the Government in G.O.Ms.No.669, Revenue (Assn.III) Department, dated 06.08.1997, came up for hearing before the Division Bench of this Court. Be it noted, by the said order the Government ordered to reserve an extent of Acs.15.27 guntas in Survey Nos.323/16 and 323/18 of Tellapur Village for allotting house sites to local eligible people, and the balance land in Survey Nos.326, 327 etc., of Tellapur Village be disposed of in public auction by preparing a layout.

The Division Bench by its order dated 06.09.2001 in W.P.No.3410 of 2001 disposed of the Writ Petition recording the statement made by the Government in the counter affidavit to the effect that the Government would take action on the recommendations made by the House Committee. On 31.07.2003 the petitioner herein submitted a representation to the Government seeking appropriate orders and instructions to authorities to regularize the plots in favour of its members. The same is still pending. The petitioner herein alleges that even while the representation made by it is pending before the Government, the first respondent herein issued a notice inviting tenders/bids for development of a housing colony in the land comprised in Survey Nos.323 to 340. The petitioner also alleges that the vendors of the Industrial Co-operative Society were assignees under Laoni Rules, and therefore, the condition of inalienability does not apply to the sales. It also asserts that all the plots sold by the vendor Society were as per the layout and the said layout has been provided with water, electricity and telephone lines, and that some of the other purchasers also obtained loan from HUDCO for construction of houses. Therefore, the petitioner contends that without considering the application made by it on behalf of its members for regularization in accordance with the recommendations of the House Committee, the auction proposed by the first respondent is illegal.

The matter was initially heard on 25.01.2007 and again on 06.02.2007. Learned Assistant Government Pleader for Revenue (Assignment) sought three months time to enable the Government – second respondent; to dispose of the representation made by the petitioner-Association on 31.07.2003. Learned Standing Counsel for the first respondent (HUDA) brought to the notice of this Court that only one tender/bid has been received and it would take at least a month's time before the same is finalized. In view of this, the learned Assistant Government Pleader was directed to get further instructions from the second respondent. Today after getting instructions, the learned Assistant Government Pleader submits that the report of the District

Collector regarding the genuineness of the claims of various members has since been submitted to the Government and in a month's time appropriate orders will be passed. Learned Standing Counsel also submits that though the tender/bid received from one party has been placed before the Board of HUDA, the processing will take a month's time.

In this background, it would be better if the Government decides the matter keeping in view the observations/recommendations made by the House Committee, which went into the question of the illegal sales of the lands allegedly belonging to the Government by various persons and Societies. If this exercise can be completed within a period of one month from the date of receipt of a copy of this order this would solve various problems that have come up over a period of more than two decades. If ultimately, the Government decides in favour of the members of the petitioner-Association, needless to mention that any auction that may be finalized by HUDA would add complications. Therefore, the submission made by the learned Standing Counsel that for a period of one month the tenders will not be finalized is recorded. The Government, second respondent herein, shall dispose of the representation made by the petitioner-Association on 31.07.2003 within a period of one month from the date of receipt of a copy of this order. This would be sufficient and substantial redressal for the present.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

13.02.2007

vs